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August 8, 2006

Mr. Steven Williams
Chief Administrative Officer and Secretary
Postal Rate Commission
1333 H Street, NW
Suite 300
Washington, D.C. 20268

POSTAL RATE COMMISSION
OFFICE OF THE CHIEF ADMIN. OFFICER
AUG 14 2006

Dear Mr. Williams:

The enclosed information concerning my constituent, Malcolm Hardie, President of Observatory Hill, Inc., is submitted for your consideration.

I would greatly appreciate your assistance with this matter. Please inform me of your findings and of any action you are able to take on behalf of my constituent.

Thank you very much for your kind attention to this request. Please respond to me at my Pittsburgh office, Landmarks Building, Suite 250, 100 West Station Square Drive, Pittsburgh, Pennsylvania 15219, 412-562-0533, 412-562-4313 (fax).

Sincerely,



Rick Santorum
United States Senate

RJS:ci

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Observatory Hill Inc community organization

Petitioner,

And

United States Postal Service

Respondent.

Petition For Review

To the Secretary of the Postal Rate Commission:

1. Petitioner is a Pennsylvania (501-c3), known as Observatory Hill Inc. It is located at 8999 East Street in the city of Pittsburgh Pennsylvania. This petition is submitted by petitioner as a customer of the respondent representing 6000 residents within the surrounding area. There are 2000 seniors who will be impacted by the planned closure. Six hundred and six petitions have been sign by all ages of people mainly senior citizens.
2. On May 16, 2006, the postal service put up two laminated posters on front entrance door and inside bulletin board to Observatory Finance Station that read: This Post office will permanently close June 16, 2006. Only one month for citizens to respond. This is an example of how the postal service works with the community in and around Pittsburgh's Observatory Hill Northside. The postal service action should be sufficient reason to finally dispose of an appeal by the postal service to close the Observatory Finance Station. No prior notification was given to the community or its representative or time given as a community courtesy.

3. There was no reason given or notice put up as to how to appeal this action. The facility makes a profit of approximately \$60,000 to \$100,000 a year. The location has 10,000 cars passing by per day or through the business main corridor just 65 feet away from the post office. This is a profit making facility in an area where seniors walk to the post office as part of their routine and families need the service. Local business want and it is clear need the post office because it helps to anchor the local business and residential community.

4. This post office has served the community since 1940. The 20th State Representatives office is located to the left and The Magistrates office is on the right. There are 33 businesses, 6 churches, 3 schools, a firehouse, 5,294 residents and a huge volume of automobiles passing by the Post Office and or through the main four way intersection just 65 feet from the post office.

Perry Traditional Academy High School sits up on a hill directly across the street from the post office. There are 125 teachers who use the facility. The Post Office is located on Perryville Avenue, which is a state highway. The area has one of the cities biggest parks called Riverview Park. It is the only city park

with a working Observatory, and horses. The area sits on a mountain and has scores of homes built between 1890 and 1930. This could be the reason scores of seniors walk to the post office. Walking to the post office is part of their daily routine. Riverview Park, the homes, the traffic, the businesses result in people residing 40 to 60 years in Observatory. Riverview Park / Perrysville highway give the area its urban, rural, suburban, state park feel. The area creates a critical mass of people that continue to generate revenue, and foot traffic for the post office and reinforce the opportunity for the postal service and community to work together for mutual revenue accelerated benefit immediately this year.

5. The current post office is being closed despite strong opposition from Observatory Hills 2000 seniors, the business district, The Medicine Shop that sends out 121 prescription drugs per month to seniors by mail in surrounding neighborhoods. Despite the fact it is more convenient and profitable for the postal service, and community to be served by the post office in Observatory. Seniors, families and those who want to continue using the post office. We are told by the postal service it is more convenient to use the alternate postal sights 3 to 4 miles away. Such a move will provide a hardship for seniors and families and those who depend upon the local Observatory Post Office.

It is hard to understand how come a facility like the Observatory Finance Station has to close when it has never been an inactive post office and it is profitable given the reduced hours of operation in 2002 from 8am to 4:30pm to 10 am to 2pm. The reduction forced revenues to decline at least 50%. The current hours prevent and restrict citizens from reaching the post office in time before it closes. Who ever heard of a post office open from 10am to 2pm. The post office should stay open and the reason to close is so inconsistent with reality. The hours should be expanded 10 am to 6pm.

Seniors want to use the post office after Perry High School students return to classes after lunch. Seniors are a bit intimidated by the sheer number of students out to lunch around 11:30am to 1pm. This was mentioned to the postal service years ago so hours could be extended from 10am to 2pm to 10am to 6pm. This is information the Observatory Hill Incorporated Community organization would have provided to the postal service. The Observatory Finance Station still brings in revenues that cover postal service expenses. Again it does not make sense for postal customers in this area to go 3 to 4 miles away. When there is a critical mass of people who want to do their United States Postal business at the Observatory Finance Station in Observatory (serving Summer Hill, Brighton Heights and parts of Perry Hill Top).

(Note: Letter to Richard Sekinger: Postmaster, Pittsburgh; and Petition To Keep Observatory Hill Post Office Open!).

The respondent continually ignored petitioner's request that it be allowed to participate fully in the decision process. In 2002 when the hours of operation were from 8 hours to 4 hours or 10:00am to 2pm only box holders were

notified, and a letter was tack on the bulletin board. No verbal mention was given that the hours of operation were going to change. A patron had to ask in order to find out about the reduction in hours. Any community meeting scheduled was not held at a time and place convenient to the neighborhood(s). And the community was not made aware how the community could rally to maintain the hours or even today how they could fully participate in the postal process until late in October 2005 (note: Susan Rooney OHI letter to Postal Service). The Postal Service could have notified the community by sending out a mailer or a questionnaire sent to affected communities and meet with the community at a place and a time that was not intimidating like the California Post Office General Mail facility. Meet in the community where surroundings are friendlier and the times are convenient to the public. The postal service informed an Observatory board member that the Postmaster would not attend a community meeting because of security reasons.

The summer of 2005 the postal service proposed to close the Observatory Finance and have residents travel 3 to 4 miles away yet they again did not notify the community door to door or through the mail service. The community was not aware of the proposal and the postal service notified 35 box holders and put up letter on stations bulletin board yet patrons were not notified by the clerk that a proposal to close was in affect by the postal service on California Avenue mail facility, Northside. Patrons were only notified once the few who read the memo actually ask specifically about the proposal. And it was not known that 8 people who met with postal officials and 16 replies from box holder would represent the huge volume of seniors and others who consistently use the post office. Who would have thought that the Observatory Stations demise would come in this fashion given it has provide a service to so many people for 70 years. The facility has the best of both worlds. A retail postal service and steady revenues.

5. The closing of the Observatory Finance Station is in violation of the regulations that appear in Title 39, United States Code, Section 404(b), while the implementing regulations appear in Title 39 Code of Federal Regulations. Part 241.3.

The respondents own formal process for determining when to replace a post office and reasons for proposing such changes in postal service are fully disclosed at a stage when customers can make a helpful contribution towards the final decision, in that respondent failed to (i) to obtain and evaluate input from customers in the community at a time and place convenient to the community at large and meet in the Observatory Hill Community to secure input from those who would be severely impacted and hard hit by the proposal to close and seek alternate service 3 to 4 miles away for seniors and families (ii) the Postmaster would not attend community meeting(s) for security reasons and made it difficult for seniors and families to fully participate in the proposal to close The Observatory Finance Station Docket Number 15214; (iii) did not conduct a feasibility study; (iv) hold public meetings in the community concerning the process to close; (v) The Postal service did not except information gathered from the community or except input to be included in its proposal to close for lower level or upper level management in Washington DC. (vi) The 60 day written proposal could not be read by patrons visiting post office and clerk did not

direct patrons to read document on bulletin board unless the patron specifically ask;
(vii) provide the community especially seniors, with written service proposals, findings, appeal rights were not done; (viii) notice of Rate Commissions final determination was not posted at affected post office for 30 days.

(viii) Affected post office and customers not given adequate 60 days notice before the proposed date of closure. And written service proposal, findings and appeal rights were not given out yet had to be requested in writing by OHI (Observatory Hill Inc);
(x) even without an appeal, postal regulations specify post office is not to be closed sooner than 60 days after the public posting of the final decision occurs;

(xi) Contact city officials for community demographics and growth trends did not occur; (xii) Questionnaire was not sent to affected communities to include areas affected and or served: Observatory Hill, Summer Hill, parts of Perry Hill Top and Brighton Heights Road.

6. The postal service did not follow the process and inconsistencies did prevail. Revenues are stable and increasing and citizen usage is not down and so we ask that the hours be increased 10am to 6pm so the revenues will increase by 100%. Allow Observatory Finance Station one year from June 16, 2006 to June 16, 2007 to be as successful as the postal service wants it to be. And direct the postal service to work with seniors families local business and the community organization. Again the post office has been in the community at least since 1940. The process to close was not followed and the postal service did not allow the community adequate time to respond. In addition, the postal service did not except crucial information from the communities representative: Observatory Hill Incorporated. Their findings and input were not made part of the proposal to close Observatory Finance Station. And so there were no lower levels talks and no upper level management sharing in Washington DC.
7. We respectfully ask the Rate commission to advise the Pittsburgh Postal Service to not to close the Observatory Finance Station and that no action take place until a decision is reach with the Postal Rate Commission. If closed, open back up.
8. Based on the foregoing, petitioner respectfully requests that respondent be compelled to continue operating the current post office located in the observatory Hill area right across the street from Perry Traditional High School Pittsburgh.

Observatory Hill, Incorporated,
Petitioner

By: _____
Malcolm Hardie
President

Observatory Hill, Inc.
P.O.Box 7651

Pittsburgh, PA 15214-0651

To:
Postal Rate Commission
901 New York Avenue
N.W
Suite 200
Washington DC. 20001

Observatory Hill Inc. Community Organization
Petitioner,
And



United States Postal Service
Respondent.

Supplement to The Petition For Review

To the Secretary of the Postal Rate Commission:

1. Petitioner respectfully provides additional reasons Observatory Post Office should not have been discontinued. Observatory post office should be re-open with the same energy, vigor and conviction by which it was closed. The reasons for fully closing the post office were not understood, not fully made known and intentionally not disclosed at a stage when the community, surrounding communities, and communities representative: Observatory Hill Inc. could make helpful contributions toward a final decision. It will be shown that postal service management did not meet in the community for fair and full input and the proposal to close was a dishonest charade, and a fraud.
2. The postal service did not seek input from the community. How come the community meeting could not be held within Observatory Hill? How come the postmaster chose instead to hold a meeting four miles away at the General Mail Facility? How come a meeting was held at 4:30pm instead of 6:30pm or 7pm? What was done to invite seniors and families who depend upon public transportation to arrive at such meeting? Perry High School is in front of Observatory Post Office. How about meeting at Perry Traditional High School?
3. The postmaster would not attend community meetings in the community for security reasons. The postmaster was ask on June 12, 2006 how come he never had a community meeting in Observatory at Perry Traditional High School. He said because the postal service does not have access. He was informed that the community or community organization has access. Just ask.
4. Observatory Hill's President informed the Postmaster that the proposal had errors. The Postmaster's reply: Does that make a difference? The postmaster made the remark June 12, 2006 four days before Observatory was permanently scheduled to close June 16, 2006. This demonstrates how arrogant, and arbitrary the postal service was in being committed to the community and due process. The postal service was committed to do all the necessary things it could to close the post office. This includes conveying to congressman Mike Doyle's chief of staff that the postal service held several community meetings with the community. This was not true. The community was not informed. This is not in accordance with the law, and did not follow procedure required by law Title 39, United States Code,

Section 404(b), while the implementing regulations appear in Title 39, Code of Federal Regulations, Part 241.3.

5. The process to close was Title 39, as it appears above and in the postal service "Proposal To Close"; page three number 11 concern 2005. Observatory Hill Inc requested to know what steps were next and time line. The postal service did not answer OHI's request at all. Seven months went by and OHI ask their congressman to find out what the process was in order for the community to prepare to participate. The Postal Service said a reply would come in three weeks. The postal service sent a letter to Congressman Mike Doyle May 25, 2006. There is no appeal process and Observatory was closed June 16, 2006 even though no community meeting was ever held. The whole processes hide their true intentions.... the intention to close by any means and the arrogance to believe no one would appeal their decision or ask questions.

6. The letter to Congressman Doyle had no reference to regulation, no statutory regulations number or stipulation was referred to and yet the postal service states: "The Observatory Finance Station is considered a classified station or a unit that is operated by a Postal Service personnel under the administration of an independent Post Office, and so no appeal process applies". Richard L. Sekinger "for" Keith J. Beppler District Manager/Lead Executive. This document was given to the community's representative by Doyle's office. Then on July 14, 2006 Ms. Hatcher, Observatory Hill Chair of its postal steering committee receives a letter from Michael Cafaro A/Postmaster, Pittsburgh that the reasons for the discontinuance of retain services at Observatory was set forth and followed by the postal service as it appears in Title 39, United States Code, Section 404(b), Regulations, Part 241.3.

The Postal Service has deceived the community and has been seriously dishonest in closing a good post office and a Congressional Investigation should begin. Any motion to dismiss the community's Petition for Review should not be accepted and the community's Petition For Review should be accepted and the Postal Service should be compelled to open up Observatory Post Office immediately.

7. The Observatory post office should have never closed or been considered to close in the first place. People need and want to do their postal business in Observatory because it still serves as the most convenient post office to reach. The post office has always been profitable, in the black, heavily used especially by seniors/families or those that depend upon effective postal service in Observatory. This fact was conveniently over looked by the postal service.

Postal service management made a mistake deciding to close the post office. The community ask several times for the postal service to work with the community. The postmaster was silent from July up to October of 2005 and did not speak with Observatory Hill Inc. The community's request continued to

fall on deaf ears and be ignored. The whole process was a sham. An agency should not set out and set up to close a profitable post office that effectively serves peoples postal needs. The walk in traffic is at least 65 people per day and part time brought in \$56,644.04 in 2004. This post office should be re-open because revenues far exceed the cost to run or the cost to the Postal Service.

Observatory "Walk-in Revenue for the past three years is as follows: FY02 WIR was \$116,285.75; FY03 WIR was \$74,661.27; and FY04 WIR \$56,644.05 (Proposal To Close The Observatory Finance Station And Continue To Provide City Delivery Service Docket Number 15214).

The postal service intended to mislead, be capricious, and chip away, little by little at the very life of Observatory post office by promoting the idea over and over again that the post office was not being used by the public. Their marketing strategy contributed to the public's impression over time that the post office was not being used. No documentation was ever presented to the community. The Postal Service wants to use declining workload as reason to close the Observatory Post Office. Their reason and rationale is weak and should be respectfully withdrawn by the Postal Service. The Postal Service obviously made a mistake here or their intent was to sabotage steadily over the years the quiet success of the Observatory Finance Station.

"A review of the business activities of the Observatory Finance revealed that the office workload has declined, and the office qualifies for service only four hours per day. Accordingly, the service hours were changed effective July 15, 2002, to 10:00AM to 2:00PM, Monday through Friday. Our office review revealed an average of 65 daily retail window transactions. Workload at the Observatory Finance has remained on the decline, however, the small number of customers served and minimal number of daily transactions conducted indicates that city delivery will continue to provide a maximum degree of effective and regular service to the Observatory community" (Proposal To Close The Observatory Finance Station And Continue To Provide City Delivery Service Docket Number 15214).

8. The campaign to close Observatory Hill began in the summer of 2002. The full time Clerk: Phillip Boar managed the Observatory Post Office for 14 years. The post office made at least \$150,000 a year from walk-in traffic alone. This is information the postal service does not want the community to know. This goes directly to the issue of intent and heart of the postal services attempt to build a weak case to close a viable post office in 2006.

9. Their intent was to immediately get upper level management in Washington DC, to approve closing the facility (Note: Community's Petition To Keep Observatory Hill Post Office Open! This document represents the input of 6000 plus people and took three months to compile door to door. Also Note: Dr. William Feriane and Richard Sestric were two of the eight people who attended the Postal Services meeting four miles away. Their input and insight is critical).
10. The Postal Service should have decided to withdraw its efforts to close this Observatory Post Office because it is the type and kind of post office Congress intended. Observatory continued to provide effective service to a ton of seniors in the area. This is the reason the Postal Service avoided wanting to meet and greet the community in the community. People would have found out the post office was profitable and served the community well. Walk-in traffic is the key.
11. Phillip Boar retired from a thriving, heavily used walk-in facility February 2002. Then five months later the post office cut the hours by 50% to part-time status: 8am - 5pm to 10am - 2pm for no reason provided to the community. The postal service did not involve the community or its community representative or prominently display a plan to reduce hours or conduct a feasibility study at all in 2002 and here we are again with the community continuing to be dismissed, and by-passed at every turn.
12. The Postal Service plan was to wear down the communities resolve and provide the effective perception that the post office no longer enjoyed profitable walk in service. The appeal process brings to light the actions of postal service management and how they decided not to follow the letter of the law and not follow the spirit of the law set by Congress section 101(b) of Title 39 of the United States Code, that states: "The Postal Service shall provide a maximum degree of effective and regular postal service to rural areas, and small towns where post offices are not self sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of congress that effective postal service be insured to residents of both urban and rural communities."

Therefore, if a community post office were operating at a deficit and the workload was almost non-existent and you had a lady come in the post office every day to buy a stamp. The post office would continue to remain open and effectively serve the lady.

Here Observatory Post Office should be open today. It has the best of both worlds. The post office continues to be profitable, and get a good number of people using the facility.

13. Richard Sekinger Postmaster stated: the postal service rarely closes a post office because of revenue. Post offices are closed because they are no longer being used.

He further stated that the Observatory Post Office is being closed because people no longer use it. They have decided to go somewhere else. He further stated that the Observatory Post Office is the lowest revenue Finance Post Office in Pittsburgh because people no longer want to use the Observatory post office.

The Observatory President insisted revenues from Observatory are slightly up since last year and remain steady into April 2006. May 2006 cannot be counted because the hours of operation were permanently removed from the post office front door in the beginning of May. Many people thought the post office was already closed. Since the post office brings in at least \$50,000 in 2005. Doesn't this demonstrate Observatory Post Office gets lots of foot traffic? Doesn't this mean people still need and want and intend to use this post office? No response from postmaster.

The Postal Service knowingly intended to close Observatory post office as early as July 2002. When Phillip Boar retired after being clerk for 14-years in February 2002. The postal service cut the office hours in half five months later. People were unaware they had any rights. The Observatory Hill Inc. had to ask repeatedly of the Postal Service. If there was a process by which the community could participate in the discussion and provide their reason for how come the post office should remain open. Let us know. The community ask the Postal Service to attend several scheduled community meetings. The Postal Service did not respond until after their document was sent to upper level management in Washington DC October of 2005 (Note: Richard Sekinger's letter to Observatory Hill Inc. Dated: October 2005 addressed to Susan Rooney filed with the First Petition For Review).

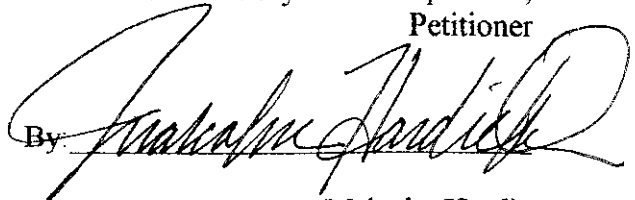
The fact that the post office failed to consider the effect of the closing or consolidation on the community served by such post office, or whether such closing or consolidation is consistent with the policy of the Government, as section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self sustaining, or provide the economic saving to the Postal Service resulting from such closing or consolidation, and other such factors as the Postal Service determines are necessary US Code: Title 39,404. Specific powers (b)(1)(2a)(I)(iii)(iv)(v).

The economic savings to the Postal Service is: Rental Costs, Excluding Utilities. The community factored in other cost and provide an additional \$8,000 for water, gas, sewage, and electrical. The community finds that the economic savings to the Postal Service was \$15,000. "Proposal to Close" economics savings stated by Postal Service was \$6,630.00).

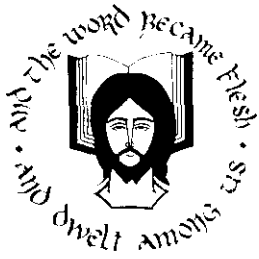
If there were ever a reason to "Return to Sender" an idea to close an established, 70 year young respected, trusted, viable Observatory Finance Station Post Office. The Observatory Post Office should be open and the proposal to close should be rejected.

In view of the foregoing, Petitioner respectfully request that responded be compelled to continue operating the Observatory Post Office located on Perrysville Avenue across from Perry Traditional Academy in Observatory Hill right away.

Observatory Hill Incorporated,
Petitioner

By: 

Malcolm Hardie
President
Observatory Hill, Inc.
P.O.Box 7651
Pittsburgh, PA 15214-0651



Incarnation of the Lord Catholic Parish

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412/931-2911
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July 7, 2006

The Honorable Rick Santorum
Landmarks Building Suite 250
One Station Square
Pittsburgh PA 15219

Dear Senator Rick Santorum,

Your help and support would be greatly appreciated regarding the re-opening of the Observatoy Hill Post Office on Perrysville Avenue.

This Post Office has served well the needs of many individuals as well as Business, Offices of Public Officals , Schools, Banks, Pharmacy, Funeral Home, and Churches in the area. The Post Office location is excellent and convenient for both residents of Observatory Hill, as well as, those of the surrounding community.

Several of our parishioners and a large number of senior citizens have expressed they have experienced both hardship and inconvenience with the closing of this Post Office which has been a blessing to them for many, many years.

Hearing of the possibility of the re-opening of this Post Office has brought new hope and joy into the neighboring community once again! With your voice behind this endeavor, it is the hope of this community that our Post Office will once again become a reality!

Respectfully yours,

Sister Julie Makowski
Parish Secretary